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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/003,869	01/07/1998	NIGEL ROBERT ARNOLD BEELEY	030639.0043.CPA1	9574
44638	7590	12/07/2004	EXAMINER	
ARNOLD & PORTER LLP (18528) 555 TWELFTH ST, NW WASHINGTON, DC 20004			MOHAMED, ABDEL A	
			ART UNIT	PAPER NUMBER
			1653	

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/003,869

Applicant(s)

BEELEY ET AL.

Examiner

Abdel A. Mohamed

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 35-66 and 73-100 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 35-66 and 73-100 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

#### **CONTINUED EXAMINATION UNDER 37 CFR 1.114 AFTER ALLOWANCE OR QUAYLE ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 10/21/04 has been entered.

#### **ACKNOWLEDGMENT OF AMENDMENT, REMARKS, SEQUENCE LISTING, STATUS OF THE APPLICATION AND THE CLAIMS**

2. The amended sequence listings and the petition for withdrawal from issue under 37 CFR 1.313(c)(2) filed 10/21/04 are acknowledged, entered and considered. Claims 35-66 and 73-100 are present in the application.

#### **NEW MATTER OBJECTION**

The amendment filed 10/21/04 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material, which is not supported by the original disclosure, is as follows: the amendment of SEQ

ID NO:5 in the Sequence Listing. It is noted that SEQ ID NO:5 has been amended in the Sequence Listing filed 10/21/04 to delete the feature description of Xaa<sub>39</sub> as proline, homoproline, 3-hydroxyproline, 4-hydroxyproline, thioproline, N-alkylglycine, N-alkylpentylglycine or N-alkylalanine. However, on page 25, line 19 in the instant specification as originally filed recites that Xaa<sub>39</sub>-Z<sub>2</sub>. Z<sub>2</sub> is defined as -OH or -NH<sub>2</sub> (See e.g., page 25, line 26 of the instant specification). There is no definition for Xaa<sub>39</sub> in the instant specification as filed. Thus, SEQ ID NO:5 as amended in the Sequence Listing provides definition for Xaa<sub>39</sub> that is not supported by the specification as originally filed. Therefore, the specification is objected for not defining Xaa<sub>39</sub>, and the amended SEQ ID NO:5 in the Sequence Listing is objected as New Matter by providing definition for Xaa<sub>39</sub> which was not supported by the specification as originally filed.

### **CONCLUSION AND FUTURE CORRESPONDANCE**

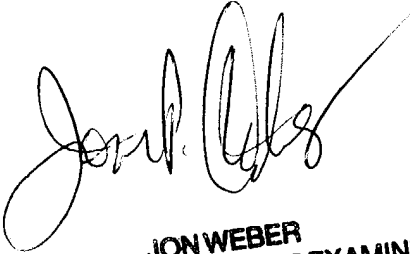
3. Claims 35-66 and 74-100 are objected and would be allowable if the objection to specification and objection of SEQ ID NO:5 in the Sequence Listing as new matter as set forth in this Office action are overcome.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdel A. Mohamed whose telephone number is (571) 272 0955. The examiner can normally be reached on First Friday off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon P. Weber can be reached on (571) 272 0925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**JON WEBER**  
**SUPERVISORY PATENT EXAMINER**

 Mohamed/AAM  
November 30, 2004